

Have had same under consireation, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed in the Journal.

MOORE Chairman.

By Small.

S. B. No. 441.

#### A BILL

##### To Be Entitled

An Act fixing the salary of county commissioners in each county having a population of not less than 3250 and not more than 3750, according to the latest United States census, and having assessed property valuation in excess of \$4,300,000; providing for the payment of same out of the General County Fund and Road and Bridge Fund, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In each County of this State, having a population of not less than 3250 and not more than 3750 according to the 1930 United States Census, and having an assessed property valuation as shown by the latest approved tax rolls in excess of \$4,300,000, the salary of each County Commissioner shall be Sixty Dollars (\$60.00) per month, payable monthly out of the General County Fund and the Road and Bridge Fund as provided by law.

Sec. 2. The fact that present laws fixing a salary of County Commissioners in said counties are inadequate, creating an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### THIRTY-THIRD DAY.

Senate Chamber,  
Austin, Texas,  
February 27, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Hardin.	Stevenson.
Pollard.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Committee Reports.

(See Appendix.)

#### Senators Excused.

The following Senators were excused for the day:

Senator Stevenson, illness, on motion of Senator Martin.

Senator Hardin, death in the family, on motion of Senator Moore.

Senator Pollard, important business, on motion of Senator Woodul.

#### Senate Bills Re-referred.

On motion of Senator Moore, S. B. Nos. 106, 203, and 34 were withdrawn from the Committee on State Affairs and re-referred to the Committee on Finance.

#### Senate Bill No. 310.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the passage of general bills during the first 60 days of the session was suspended and consent was granted to take up and consider the following bill as special order:

By Senator Oneal:

S. B. No. 310, A bill to be entitled "An Act validating and making certain Sections 1 and 2 of Chapter 81, General Laws of the Second Called Session of the Thirty-sixth Legislature, being Articles 5367 and 5368 of

Chapter 4, Title 86, Revised Civil Statutes of Texas, of 1925, relating to public school and asylum lands; providing that the original sales affecting lands with mineral reservation may be enlarged to include 15/16 of the minerals in the owners of the soil, reserving to the State 1/16 interest in said minerals as royalty; authorizing such owners to enlarge their original purchase of school and asylum lands to include 15/16 of oil and gas, or other minerals; authorizing the owner to develop and produce minerals, or lease, sell or contract said lands for the development and production of minerals; validating and confirming oil and gas leases heretofore made and sales or reservations of royalty and mineral interest; providing for the forfeiture of such leases under certain conditions, and providing that such forfeiture shall be in lieu of any claim for consideration or rental; providing that if any part of this Act shall be held unconstitutional, it shall not affect the remaining provisions; providing that Articles 5369, 5370, 5371, 5372, 5373, 5374, 5375, 5376, 5377, 5378 and 5379 shall not apply where the owner of the soil has acquired the legal title to 16/16 of the minerals; and declaring an emergency."

Read second time.

Senator Small sent up the following amendments:

Amend S. B. No. 310 by adding in line 11, page 4, of the printed bill after the word "validated," the following: "and no claim shall be made by the State for the payment of any bonus or rental thereon in excess of the said sum of ten cents (10c) per acre per annum."

SMALL.

Read and adopted.

Amend S. B. No. 310 by adding to the printed bill between lines 21 and 22 of the printed bill a new paragraph to be numbered four (4), as follows: "Section 4. The validation of leases and royalty sales heretofore made shall not be construed to validate any lease or royalty sale which is involved in litigation at the time of the passage of this Act." And also change the numbers of succeeding

sections to conform to the new numbering.

SMALL.

. Read and adopted.

Senator Oneal sent up the following amendment:

Amend S. B. No. 310 as follows: by adding after the word "office," line 9, page 3, the following: "Whenever the commencement of development for the discovery and production of oil, gas or other minerals shall begin, written notice thereof shall be immediately filed with the Commissioner of the General Land Office, both by the owner of the land and by the lessee; similar notices shall be given when production begins or is obtained."

ONEAL,  
WOODWARD.

Read and adopted.

Senator Poage sent up the following amendment:

Amend S. B. No. 310 by adding after the words "is produced," the following: "and the condition that the lessee of said lands shall pay and deliver to the State a sum equal to any sum paid the land owner in excess of ten cents per acre whether said payment be made as lease rental, bonus or otherwise."

POAGE.

The amendment was read.

Senator Woodruff sent up the following substitute for the amendment:

Amend S. B. No. 310 by adding the following after the word "produced," in line 24, page 3, the following: "The holder of any lease of such lands shall pay to the State a sum equal to any sum paid to the surface owner, whether in rental, bonds or otherwise, where such lease shall have been made on or after the first day of July, A. D., 1928."

WOODRUFF.

Read and adopted.

The amendment as substituted was lost by the following vote:

Yeas—5.

DeBerry.  
Loy.  
Neal.

Poage.  
Purl.

Nays—18.

Beck.  
Berkeley.

Cousins.  
Cunningham.

Greer.	Parrish.
Hopkins.	Patton.
Hornsby.	Rawlings.
Martin.	Small.
Moore.	Thomason.
Oneal.	Woodul.
Parr.	Woodward.

Absent.

Gainer.	Williamson.
Russek.	

Absent—Excused.

Hardin.	Stevenson.
Pollard.	

(Pair Recorded.)

Senator Woodruff (present) who would vote yea, with Senator Holbrook (absent) who would vote nay.

The bill was passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 310 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Absent

Holbrook.	Russek.
Patton.	

Absent—Excused.

Hardin.	Stevenson.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hopkins.
Cunningham.	Hornsby.

Martin.	Rawlings.
Moore.	Small.
Neal.	Thomason.
Oneal.	Williamson.
Parr.	Woodruff.
Parrish.	Woodul.
Purl.	Woodward.

Nays—3.

DeBerry.	Poage.
Loy.	

Absent.

Holbrook.	Russek.
Patton.	

Absent—Excused.

Hardin.	Stevenson.
Pollard.	

**H. C. R. No. 28.**

Senator Berkeley called up from the table:

H. C. R. No. 28, Relating to silver imports.

Read and adopted.

**Bills Signed.**

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 365.

H. B. No. 5.

**Message From the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives.  
Austin, Texas, Feb. 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 139, A bill to be entitled "An Act authorizing county boards of school trustees, in certain counties of Texas, to employ rural school supervisors in lieu of holding teachers' institutes, defining their duties and fixing their compensation."

S. B. No. 152, A bill to be entitled "An Act to amend the Harris County Road Law, Chapter 17, Acts of the Regular Session of the Thirty-third

Legislature of the State of Texas, as amended by Chapter 117, Acts of the Regular Session of the Fortieth Legislature, by amending Sections 9 and 10 of said Chapter 17 with respect to the method of making purchases of materials and supplies and the awarding of contracts therefor; a preparation of a budget and the manner of operation; the keeping of an inventory of county property, et cetera."

S. B. No. 158, A bill to be entitled "An Act validating, ratifying and approving the acts and proceedings of the county board of school trustees relating to consolidation of common school districts in certain counties; ratifying and validating all bond and tax elections, and the levy of taxes pursuant thereto; and declaring an emergency."

S. B. No. 217, A bill to be entitled "An Act to amend Chapter 8, page 12 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas, changing the time of holding the terms of the District Court of the 23rd Judicial District of Texas, and declaring an emergency."

S. B. No. 221, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

S. B. No. 265, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools in the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

S. B. No. 373, A bill to be entitled "An Act providing for a supervisor, or supervisors in lieu of the county teachers' institute, repealing all laws

or parts of laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Simple Resolution No. 63.

Senator Parrish sent up the following resolution:

Whereas, Hon. J. D. Hamlin of Farwell, Texas, who has been one of the outstanding citizens in the development of West Texas, and who is associated with the people who had the contract for the construction of the present State capitol, is now on the floor of the Senate; now, therefore

Be it Resolved by the Senate of the State of Texas That Judge Hamlin be invited to address the Senate, and that he be accorded the privileges of the floor.

SMALL,  
PARRISH.

Read and adopted.

#### Judge Hamlin Speaks.

The Chair appointed Senators Parrish, Small and Woodward to conduct Judge Hamlin to the platform.

The Chair introduced Senator Parrish, who introduced Judge Hamlin. Judge Hamlin briefly addressed the Senate:

#### H. C. R. No. 29.

Senator Loy received unanimous consent to take up:

H. C. R. No. 29, Relating to State Printing at the State Penitentiary in Huntsville.

Read, and on motion of Senator Hornsby, referred to the Committee on Public Printing.

#### Senate Bill No. 41.

The Chair laid before the Senate as pending business, the following bill:

By Senator Purl:

S. B. No. 41, A bill to be entitled "An Act defining group life insurance; providing that no policy of group life insurance shall be issued or delivered unless and until a copy of the form thereof has been filed with the Life Insurance Commissioner and formally approved by him, stipulating the provisions which must be contained in such policy;

providing the manner of paying the proceeds of any such insurance; providing the method of computing the reserves on such policies; prohibiting the issuance of any contract of life insurance covering a group except as provided by the provisions of the Act, and declaring an emergency."

On motion of Senator Purl, the bill was set as special order for Tuesday morning immediately following the morning call.

#### Simple Resolution No. 64.

Senator Neal sent up the following resolution:

Whereas, A number of distinguished and patriotic men, with humanitarian purpose, from Texas, Oklahoma and Kansas have come to this city and to Texas to add their bit to the work that has been started in Texas in behalf of crippled children, and

Whereas, These gentlemen are now on the floor of the Senate, therefore be it

Resolved That one of them be invited to address this body at this time, and that all be formally presented to the Senate of Texas.

NEAL.

Read and adopted.

#### Visitors Introduced.

The Chair appointed Senators Neal, Beck and Moore to escort the visitors to the platform.

The Chair introduced Senator Neal, who introduced the following visitors:

Mr. C. O. Chandler, Wichita, Kansas; Dr. William B. Carroll, Dallas; Dr. Both, Houston; Mr. Ferris, Oklahoma; Mr. Bruce Bogart, Dallas; Mr. Abe Goldberg, Port Arthur.

Senator Neal introduced Mr. Chandler, who briefly addressed the Senate.

#### Adjournment.

Senator Moore moved to adjourn until Tuesday morning at 10 o'clock.

Senator Woodruff moved to adjourn until Monday morning at 10 o'clock.

The motion to adjourn until Tuesday morning at 10 o'clock prevailed and at 12:33 o'clock p. m., the Senate adjourned.

## APPENDIX.

### Committee Reports.

Committee Room,

Austin, Texas, Feb. 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 428, A bill to be entitled "An Act to amend Section 1 of Chapter 105, Acts of the First Called Session of the Forty-first Legislature and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1931.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 170, A bill to be entitled "An Act to provide for the location, establishment and maintenance of an institution for the examination, care, treatment and incarceration of insane, mentally deficient persons who have been indicted or convicted of a felony, and defining conditions of admission thereto; and to provide for the examination and scientific study of prisoners to determine the mental and nervous condition, making this institution a part of the Prison System of Texas, and defining the duties of certain officers in respect to said institution; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1931.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 417, A bill to be entitled "An Act providing that an employee sustaining an injury within the terms and provisions of the Workmen's Compensation Act shall be entitled to a hearing before the Industrial Accident Board within a reasonable time, and that the Industrial Accident Board shall have the authority to delay the time of such hearing when the association is paying com-

pensation according to law, and is furnishing hospitalization or medical treatment or such employee has not reached his maximum recovery, and providing that no appeal shall be taken from the action of the board in so delaying such hearing."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1931.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 197, A bill to be entitled "An Act giving W. S. Hale and wife, Mary D. Hale, consent of the Legislature to sue the State of Texas and State Highway Commission for damages resulting from the construction of State Highway No. 43, through Leon County, Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 436, A bill to be entitled "An Act providing for the appointment of one deputy sheriff in each county containing a population of not less than 10,050 and not more than 11,050 as shown by the preceding Federal census and authorizing the payment of salary out of the general fund of the county and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 336, A bill to be entitled "An Act to amend Article 8306, Sec-

tion 5, Revised Statutes of 1925, by adding thereto the following: 'In such suit for exemplary damages, the defendant shall have all the defenses available at common law,' and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed, because it has been previously printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 416, A bill to be entitled "An Act amending Section 9 of Article 8306, of the Revised Civil Statutes of the State of Texas of 1925 relating to the payment of expenses incident to the last sickness of a deceased employee resulting from an injury and of funeral benefit when such employee leaves no legal beneficiaries; and providing for the payment of burial expenses when such deceased employee leaves legal beneficiaries."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 125, A bill to be entitled "An Act amending Article 1811-141a, Chapter 191, General and Special Laws of the Regular Session of the Fortieth Legislature and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 55, A bill to be entitled "An Act providing for the jurisdiction of the County Court of Schleicher County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district and justice courts of said county to such change; fixing the time of holding the terms of the county court, repealing all laws in conflict with this Act and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 238, A bill to be entitled "An Act to give and grant to J. W. Howard and his wife, Maud Howard, leave and permission to prosecute in the proper courts of Houston County, Texas, suit against the State of Texas, and D. K. Martin, Cone Johnson and W. R. Ely, as Highway Commissioners of the State of Texas, in their official capacity only, for personal injuries to the wife, Maud Howard, and damage to their automobile; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 370, A bill to be entitled "An Act to amend Article 3902 of the Revised Statutes of 1925, as amended by the Acts of 1929, Forty-first Legislature, Chapter 92, page 225, providing for the appointment and compensation of first assistants, heads of departments, other assistants, stenographers, clerks and investigators, in the office of the county attorney, in any county having a population of more than 130,000 and less than

150,000 inhabitants, as shown by the latest United States census, and containing two cities of 50,000 or more population, each, as shown by said census, said county composing two or more judicial districts and having no district attorney, by adding Section 3902e, repealing all laws and parts of laws in conflict with the amendment herewith provided for and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 380, A bill to be entitled "An Act to amend Article 1302, Chapter 1, Title 32, of the Revised Civil Statutes of the State of Texas of 1925, by adding thereto Subdivision 91b, so as to provide for the creation of private corporations for the purpose of acquiring, owning, subdividing, improving and selling lands from which the timber has been cut and removed, wholly or in part, for lumbering purposes, so that such lands may be acquired, owned, subdivided, improved and sold, and repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 116, A bill to be entitled "An Act amending Article 4229, Chapter 4, Title 75, Revised Civil Statutes of 1925, by adding thereto a section providing an additional grounds for divorce where either spouse is continuously incarcerated in an insane asylum for ten (10) years or more."

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 466, A bill to be entitled "An Act to levy and collect annually a three dollar road tax against all ablebodied male citizens of Freestone County, Texas, who are between the ages of 21 and 45 years, except such as are by the General Laws of this State exempt from road duty; providing the manner of assessment and collection of said tax and repealing all laws in conflict therewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 109, A bill to be entitled "An Act making it unlawful to trap, snare, shoot at, catch or kill any wild fox in Bell County, providing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 363, A bill to be entitled "An Act to provide for the sale to Port Isabel Channel, Dock & Wharf Company of certain submerged land under the waters of Laguna Madre in Cameron County, Texas, adjacent to the city of Port Isabel, prescribing the terms and conditions of such sale, and declaring an emergency."

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass, and be not printed in lieu of advance printing.

MOORE, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 491, A bill to be entitled "An Act to amend Article 192 of the Revised Civil Statutes of 1925 by adding thereto another section to be known as Article 192a, providing for bounties for rattlesnakes and other poisonous snakes and reptiles; providing the amount thereof and the means and manner of payment, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 168, A bill to be entitled "An Act repealing Chapter 46 of the General Laws of the Second Session of the Forty-first Legislature, being Senate Bill No. 31, relating to the appointment of a receiver for incorporated cities and towns which had defaulted in the payment of bonds or other obligations, lawfully issued and prescribing the duties and powers of such receiver; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed in lieu of advance printing.

MOORE, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 495, A bill to be entitled "An Act requiring the Game, Fish and Oyster Commissioner to set aside and designate portions of the fresh water lakes, streams, creeks, rivers, lagoons and ponds of this State as



fish sanctuaries for the propagation in their natural state of fresh water fish; requiring the commission to make a survey of such waters for the purpose of determining where such sanctuaries are required; requiring the commission to set aside such sanctuaries where required and limiting the time for which such sanctuaries may be created, and the percentage of the fresh waters which may be set aside in any county; providing the manner of designating such sanctuaries; making it unlawful to take, catch or remove any fish from such sanctuaries and prescribing penalties for violation; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 236, A bill to be entitled "An Act to authorize any drainage district heretofore created or which may be hereafter created under the provisions of Chapter 7, Title 128 of the Revised Civil Statutes, 1925, and which at the time of its creation has become a conservation and reclamation district under the provisions of Chapter 8, Title 128, aforesaid, or which may after its creation, pursuant to law now or hereafter in force, become such conservation and reclamation district, to levy all taxes of such district on a benefit basis, etc., and to declare an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 196, A bill to be entitled "An Act making an appropriation for the re-roofing, repairing and equipping of the old Land Office building, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

BECK, Chairman.

By Hornsby.

S. B. No. 196.

#### A BILL

#### To Be Entitled

An Act making an appropriation for the re-roofing, repairing, and equipping of the old Land Office Building, and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of Ten Thousand Dollars, (\$10,000.00), or so much thereof as may be necessary out of the Treasury of the State of Texas, not otherwise appropriated, is hereby appropriated and made available to the Board of Control, to re-roof, repair, renovate, and install an elevator in, the old Land Office Building.

Sec. 2. The fact that very valuable relics and records are in said building, which may and will be destroyed by the leaking roof thereon, and the fact that said building is in a sad and deplorable state of repair, and because the Daughters of the Republic of Texas and the United Daughters of the Confederacy, in holding their meetings in said building are unable to climb the stairs, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Feb. 27, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 421, A bill to be entitled "An Act providing for the establishment of a tuberculosis sanatorium for negroes to be known as the State Tuberculosis Sanatorium for Negroes; providing for its location, the acquisition by the State of a tract of land therefor not exceeding 1,000 acres, the approval of title thereto, and authorizing the State to accept dona-

tions for said purpose; prescribing the kind, character and capacity of building to be erected thereon; the method of preparing plans and specifications; and requiring the architect to give bond to the State for the performance of his duties and fixing his compensation; providing for the State Board of Control to have charge and supervision of said buildings and the appointment of officers and employees thereof; providing for the manner and method of operation and making appropriations for the operation and maintenance of same; classifying patients and specifying the manner, method and conditions of admissions thereto; the treatment of patients and the method of reimbursement; of indigent patients and their treatment; and providing that all patients shall receive equal treatment; providing for the keeping of records and indexes of patients treated; specifying clothing and equipment of patients entering; providing for the promulgation of rules and regulations for the operation of said sanatorium; the term of office of superintendent and other officers; defining the word negro and providing that no white person shall be admitted as a patient in the State Tuberculosis Sanatorium for Negroes and that no negro person shall be admitted to the State Tuberculosis Sanatorium; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

BECK, Chairman.

By Patton.

S. B. No. 421.

#### A BILL

#### To Be Entitled

An Act providing for the establishment of a tuberculosis sanatorium for negroes to be known as the State Tuberculosis Sanatorium for Negroes; providing for its location, the acquisition by the State of a tract of land therefor not exceeding one thousand acres, the approval of title thereto, and authorizing the State to accept donations for said purpose; prescribing the kind, character and capacity of buildings to be erected thereon; the method of preparing plans and

specifications; and requiring the architect to give bond to the State for the performance of his duties and fixing his compensation; providing for the State Board of Control to have charge and supervision of said buildings and the appointment of officers and employees thereof; providing for the manner and method of operation and making appropriations for the operation and maintenance of same; classifying patients and specifying the manner, method and conditions of admission thereto; the treatment of patients and the method of reimbursement for expenses and the recovery of money due it for treatment of patients; providing for the admission of private patients and their treatment; of indigent patients and their treatment; and providing that all patients shall receive equal treatment; providing for the keeping of records and indexes of patients treated; specifying clothing and equipment of patients entering; providing for the promulgation of rules and regulations for the operation of said sanatorium; the term of office of superintendent and other officers; defining the word negro and providing that no white person shall be admitted as a patient in the State Tuberculosis Sanatorium for Negroes and that no negro person shall be admitted to the State Tuberculosis Sanatorium; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby created and established and there shall be maintained by the State of Texas a tuberculosis sanatorium for negroes to be known as the State Tuberculosis Sanatorium for Negroes.

Sec. 2. Said sanatorium shall be located at a place in the State of Texas selected by the Board of Control.

Sec. 3. For the purpose of providing a suitable location for said sanatorium, said Board of Control shall purchase, if a suitable site is not donated or now owned by the State of Texas a tract of land not to exceed one thousand acres, and shall accept title thereto in the name of and for the use and benefit of the State of Texas. The title to said tract of land shall, before the same is ac-

cepted and paid for, be approved by the Attorney General of the State of Texas. The Board of Control is authorized to accept in behalf of the State for the said purpose a suitable tract of land donated or given to the State as a site for said Sanatorium, and, in case a suitable site is donated, none shall be purchased. Provided, however, that if only a part of a suitable site shall be donated, the board shall be authorized to purchase the remainder not to exceed the maximum above set forth.

Sec. 4. Said Board of Control shall have constructed upon said site suitable, substantial, permanent and fire-proof buildings and equipment sufficient to accommodate one hundred patients. Said buildings and equipment shall be provided with modern improvements for furnishing good water, heat, ventilation, sewerage and other necessities.

Sec. 5. Immediately after this Act goes into effect, and as soon as a suitable site is acquired, said Board of Control shall have plans and specifications for said buildings and equipment prepared and is authorized to do all things necessary to construct and establish said Sanatorium.

Sec. 6. The State Board of Control shall have authority and it shall be its duty to appoint officers for said Sanatorium, including its superintendent and medical director, and such other servants, employees and assistants as shall be necessary, and as shall be provided for by appropriations by the Legislature.

Sec. 7. Upon the completion and acceptance of said institution the same shall be operated, managed and controlled in the same manner as other eleemosynary institutions.

Sec. 8. The superintendent of said Sanatorium shall determine upon application the persons entitled to admission therein, as now provided by the law for admission of persons to the State Tuberculosis Sanatorium.

Sec. 9. Provision shall be made by the Legislature for the operation and maintenance of said Sanatorium by appropriation.

Sec. 10. Negroes afflicted with tuberculosis who shall have been citizens of this State and of the county from which he or she comes, at the time of filing application with the county judge, as hereinafter provided, shall be admitted to said Sanatorium

under this Act, and no other persons shall be admitted.

Sec. 11. A citizen of this State, under the provisions of this Act, is defined to be any person who has actually resided therein with the bona fide intention of being a citizen thereof for a period of twelve months next preceding the date of the application for admission to said Sanatorium.

Sec. 12. Patients admitted to said Sanatorium shall be of three classes, to-wit:

1. Indigent public patients.
2. Non-indigent public patients.
3. Private patients.

Indigent public patients are those who possess no property of any kind nor have any one legally responsible for their support, and who are unable to reimburse the State. This class shall be supported entirely at the expense of the State.

Non-indigent public patients are those who possess some property out of which the State may be reimbursed, or who have someone legally liable for their support. This class shall be kept and maintained at the expense of the State, as in the first instance, but in such case the State shall have the right to be reimbursed for the support of such patients, and the claim of the State shall constitute a valid lien against any property of any such patient, or, in case he has a guardian, against any property of his which is in the possession of said guardian, or against the person or persons who may be legally liable for his support, and financially able to contribute as herein provided; and such claim may be collected by suit or other proceedings in the name of the State of Texas by the county attorney of the county from which said patient is sent, against such patient, his guardian, or the person or persons liable for his support; and the venue of any such suit is hereby fixed to be in the county from which such patient was sent. Such suit or proceedings shall be instituted upon the request, in writing, of the superintendent of said Sanatorium, accompanied by a certificate as to the amount due the State, which in no case shall exceed five dollars per week for the board of such patient, and together with the necessary cost incident to his transportation to said Sanatorium. In all suits or proceed-

ings, the certificate of the Superintendent shall be sufficient evidence of the amount due the State for the support of such patient. It shall be the duty of the county attorney, upon such request being made, to institute and conduct such proceedings, and for which he shall be entitled to a commission of ten (10) per cent of the amount collected. All moneys so collected, less the commission above provided for, shall be by the county attorney paid to the Superintendent of said Sanatorium, who shall receive and receipt for the same, and shall use the same for the maintenance and improvement of said property.

Private patients may be admitted into said Sanatorium upon application of parent or guardian or friend, under such regulations as the Superintendent under the direction of the State Health Officer may prescribe, not in conflict with this Act. Such patients shall be kept and maintained at the Sanatorium at their own expense for the board and care of such patients. The Superintendent under the direction of the State Health Officer may take special contracts for private patients at a rate not to exceed ten dollars per week, payable in advance. All moneys collected shall be paid to the Superintendent of such institution, who shall account for the same and for its use in the maintenance and improvement of said Sanatorium at which the same is received.

Sec. 13. Except as herein otherwise specified, the rules and regulations governing the admission of patients to said Sanatorium shall be the same as those governing the admission of patients to the State Tuberculosis Sanatorium; provided, however, that no white person shall ever be admitted to the Sanatorium created hereby, and no Negro person shall ever be admitted to the State Tuberculosis Sanatorium.

Sec. 14. No patient in this Sanatorium shall be discriminated against by virtue of the fact that he is an indigent, non-indigent or private patient, but all patients shall be treated alike, given equal facilities, equal attention and equal treatment, and no patient shall be permitted to give any officer, servant, agent or employee of the Sanatorium any tip, pay or reward of any character of any kind

whatever, and if such patient does so, and it is discovered, it shall be a cause for his expulsion from said Sanatorium and the discharge of any officer, servant, agent or employee accepting the same; and the Board of Control shall see that this provision is rigidly and drastically enforced.

Sec. 15. The Superintendent of the Sanatorium hereby created shall keep on file an alphabetical index of all applications of all patients, and patients shall be admitted according to their file number, reserving at all times not less than one-half the accommodations afforded at the Sanatorium for indigent patients, one-fourth of the accommodations for non-indigent patients, one-fourth of the accommodations for private or pay patients, subject, however, to the control and discretion of the Superintendent. And the Superintendent shall file with the State Health Officer such copies of such applications as shall be necessary to meet all provisions of this Act.

Sec. 16. It shall be the duty of the county judge to see that each patient admitted to the Sanatorium is supplied with three full suits of underwear and one neat top suit, all being such as may be prescribed by the State Health Officer; and the expenses of the clothing and transportation of indigent patients shall be paid by the county from which the patient is sent. And if any patient is admitted directly upon the certificate of the State Health Officer as an indigent patient as provided hereinbefore, then the State Health Officer shall supply such patient with such clothing, and his certificate therefor shall be full evidence that the same was so supplied and of the value thereof, and the county from which the said patient came shall be chargeable with said clothes, and shall pay the same upon presentation of said certificate. Non-indigent public patients shall pay for their clothing and transportation themselves.

Sec. 17. Rules and regulations for the operation, government, control and management of said Sanatorium, its officers, employees, and patients shall be approved and promulgated by the State Board of Control.

Sec. 18. This institution shall be operated, controlled and managed by

the State Board of Control, and said Board shall appoint a superintendent for said Sanatorium who shall reside at the Sanatorium and who shall have authority to appoint and employ necessary employees, assistants and servants.

Sec. 19. The Term Negro is used in this Act as defined in Article 484, Penal Code of the State of Texas of 1911.

Sec. 20. The fact that tuberculosis—a communicable and infectious disease—is prevalent among Negroes of this State, constituting a menace to their welfare and that of all the people of the State, creates an emergency and an imperative public necessity demanding the suspension of the Constitutional rule requiring bills to be read on three several days in each House, and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

### THIRTY-FOURTH DAY.

Senate Chamber,  
Austin, Texas,  
March 3, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

### Petitions and Memorials.

(See Appendix)

### Committee Reports.

(See Appendix)

### Bills and Resolutions.

By an affirmative vote of four-fifths of the membership of the Senate, the Constitutional Rule relating to the introduction of Bills during the last 90 days of the session was suspended and consent was granted to introduce the following Bills:

By Senators Woodward, Purl:

S. B. No. 498, A bill to be entitled "An Act making it unlawful for any person to possess, transport, sell or have in his possession any machine gun or any other rapid firing gun of any description commonly known and classified as a machine gun, providing exceptions and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence

By Senator Woodul:

S. B. No. 499, A bill to be entitled "An Act to amend Article 1840 by adding thereto another section, to be known as Article 1840-A, providing that when an appeal has been taken and the bond or recognizance is defective, the Appellate Court may allow the appellant to amend such bond or recognizance by filing a new bond; providing the time, means and manner thereof, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Parr:

S. B. No. 500, A bill to be entitled "An Act prohibiting any person, to place, set, use, drag, or have in his possession any seine, net or other device for catching fish and shrimp other than the ordinary pole and line, casting rod and reel, artificial bait, trot line, set line, or cast net or minnow seine of not more than twenty feet in length for catching bait within waters between Padre Island and the mainland in Kleberg and Kenedy Counties and on back bays and inlets and that part of Laguna Madre within said counties and providing for a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars on first conviction